

## **Frequently Asked Questions (FAQs) regarding 310 processing, electronic meetings**

### **1) What do I do if I have pending 310 applications and my office is closed?**

Answer: Consider notifying the applicants via e-mail or other means about your proposed plan to address 310 applications. Statutory timeframes do not start until an application is accepted, however, the applicant may require a permit to start work sooner than your schedule allows. Since you still must comply with open meeting laws, consider alternative means of making decisions in an open forum and allowing the public to participate. Meetings may be held via conference calls where notice has been provided and the opportunity to participate. This may be a little tricky to manage, but it can be done. Other methods of holding a meeting are noted below.

### **2) If I'm able to check the mail at my office and I see that I have received 310 applications, how should I proceed.**

Answer: Fill in the received date in the designated space on the Joint Application and process the applications in the order they were received when regular business resumes. Your district may also want to consider accepting electronic applications and signatures until for now. You may want to consider a mail drop box outside your building if it is practical and if it is allowed by your landlord.

### **3) How should CDs go about with public notices and 310 meetings if the office is closed. Do you have any advice on how to balance the public's right to participate, the applicant's need to have a timely review of an application, and following procedures for limited public contact?**

Answer: Many CD employees are currently working from home, but for those that are still working, plans should be made to gather files needed, alternate emails, etc., in the event NRCS closes their offices. Some CD employees have posted notices for procedures for the public to follow that need services via electronic means and posting notices at their offices. At this time, meetings are not advised, or even allowed in a USDA office.

### **4) Our conservation district is conducting business via conference call. It doesn't make sense to have the entire board sign the supervisors' decision form. Can the board delegate the authority to sign the form to either a supervisor or administrator?**

Answer: Yes. If your application has been approved by the board, but the decision form has not been signed, the board may delegate either a supervisor or administrator to sign the permit form. Make sure the delegation and the permit decision are documented in the minutes. If the board doesn't want to delegate, the form can be sent electronically, signed by the supervisors, scanned and returned to the office.

Regarding the balance of public safety, public's right to participate, and the CD's responsibility to process applications . . .

- CDs should err on the side of allowing public participation as much as possible given the directives from Montana open meetings and public participation law. Showing a good faith effort towards this is important. Some ways to do that would include:
  - Providing notice of meetings earlier than is usual, and also including strong recommendations for the public to submit written comment. However, I don't think you can prohibit members of the public from attending a meeting site if you continue to have meetings at a physical location. (Since meetings are now prohibited in NRCS space, no physical meetings should be taking place – Use the same guidelines for electronic meetings).
  - If written comment is received prior to the meeting, the Board chair or other board members should provide a summary on the record of the written comment. It is not enough for the board members to simply say “we read it.”
- If the Board completely lacks a physical meeting site but decides to continue with 310 meetings via web or other means:
  - Post notices and agendas of all electronic meetings as early as possible
  - Provide detailed instructions on how a member of the public could access the meeting
  - Provide opportunities for members of the public to call in during a public comment period. During the public comment period, the public may only comment on items not on the agenda. The board cannot take action on these items.
- For all CDs
  - For those that are not audio or video recording meetings, this is a good time to start
  - It does not necessarily help with the current issues involving openness but does help provide transparency to the public on all matters that were discussed.
  - Take detailed minutes in addition to the recording.

“As many state and federal agencies, along with conservation districts face the reality of working remotely, we thought it timely to provide some training resources for virtual face to face meetings. We created a youtube playlist of short tutorials for multiple video chat/video conferencing options to get everyone up to speed quickly.

Skype, Skype for Business, FaceTime (Apple), Google Hangouts, Google Duo, Zoom, GotoMeeting; Microsoft Teams, or Webex.” The tutorials are in this link:

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